



How to Appeal a Trial Court, Tax Court or State Agency Decision

Appellate Division

Who Should Use This Packet?

You can use this packet if you are a self-represented litigant and believe a trial court, the Tax Court or a state agency made a legal mistake in its final judgment, order or decision, and you want that decision reviewed. An appeal is more than your disagreement with the court or agency decision. You must be able to show that the court or agency made a legal error important enough that it could have changed the outcome of your case.

General information for filing an Appeal:

- Before you can file an appeal, you must have a **signed** copy of the final judgment, order, or decision that you are appealing. You cannot appeal an oral decision
- The Appellate Division is a court of review. It does **not** retry a case or take new evidence.
- Filing an appeal does **not** stop enforcement of the final judgment, order, or decision that you are appealing.
- It can take a year or more to obtain a decision on your appeal.
- The decision on your appeal will be posted on the internet.
- Appeals can be confusing and expensive. Please read this packet carefully.

DO NOT use this packet if you are:

- Appealing a pretrial detention order, a decision from the Board of Review, or a Megan's Law decision. There are separate packets for those appeals available on njcourts.gov.
 - 12043 - Pretrial Detention Appeal (PDA)
 - 10824 - Board of Review Pro Se Kit
 - 10839 - Notice of Appeal and Case Information Statement (CIS) for Appeals Involving Registration and Community Notification Laws (Megan's Law)
- An attorney. **Attorneys must file appeals electronically through eCourts.**

Please Note: These materials are not intended as legal advice and in no way guarantee the outcome of your appeal. Only an attorney can give legal advice. If you are not an attorney, you can only represent yourself on appeal. You cannot represent another person, company or entity. See Court *Rule* 1:21-1.

Note: These materials have been prepared by the New Jersey Judiciary for use by self-represented litigants. The instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the [forms](#) will be available on the Judiciary's Internet site njcourts.gov. However, you are ultimately responsible for the content of your court papers.

Things to Think About Before You Represent Yourself in Court

Try to Get a Lawyer

You may want to consider obtaining the assistance of an attorney, since an appeal can be a complex legal proceeding. Even if you find that completing the enclosed forms is not a difficult task, you should be aware that the level of assistance that the Clerk's office has provided to you through these detailed instructions does not continue throughout the course of your appeal. The Clerk's office **cannot** assist you with:

- the legal research needed to write your brief;
- assembling the documents that you will need for your appendix;
- drafting your procedural history, statement of facts, and legal arguments that will be required in your brief.

The assistance of the Clerk's office, to attorneys and to *pro se* litigants alike, is limited to procedural matters (information concerning the Court Rules and practice and procedure). This office cannot provide any assistance or legal advice regarding the issues, arguments or merits of an appeal.

If you cannot afford to pay for an attorney in a civil matter, you may be able to obtain legal assistance from the “[Legal Services](#)” office in your county.

If your appeal is from a criminal conviction in the Superior Court of New Jersey, Law Division, and you cannot afford an attorney, you may contact the Appellate Section of the Office of the Public Defender of the State of New Jersey at (973) 877-1200 to find out if you qualify for assistance
www.nj.gov/defender/structure/appellate/.

If, after consulting the materials provided in this pro se kit and the Court Rules, you still have questions concerning Appellate Division practice and procedure, you may contact the Appellate Division Clerk's Office for assistance at (609) 815-2950.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help or attention from the court. The following is a list of some things court staff can and cannot do for you. Please read it carefully before asking court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.
- We *can* usually answer general questions about court deadlines.
- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* tell you whether or not you should bring your case to court.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

Keep Copies of All Papers

Make and keep copies of all completed forms and documents related to your case.

Overview

The following are some important points to consider when filing an appeal.

- **Filing an appeal can be expensive.** The filing fee for an appeal is \$250. Most appeals require you to purchase a transcript of everything that was said in court. Transcripts are expensive; you can estimate a cost of over \$1,000 per day for transcripts. All of these fees and costs are non-refundable.
- **The Appellate Division must receive your *Notice of Appeal* within 45 calendar days** from the filed date of your final judgment, order, or decision for most appeals. An exception would be for appealing an order terminating your parental rights (see the section “Before Filing an Appeal” on page 6).
- **During your appeal, you will be required to prepare and submit a legal brief** that includes the legal basis for your appeal and an appendix containing copies of the documents submitted to the court or agency that are relevant to the issues raised in your appeal (see the section “After the Appeal Has Been Filed” on page 10).
- **Filing a Notice of Appeal does not stop enforcement of the final judgment,** order, or decision that you are appealing. If you are attempting to stop the enforcement of the decision made by the court or agency, you must first file a motion for a stay in the court or agency. For more information, see example #4 in the “Motion Information” section of this packet, page 12.
- **Appellate Division opinions are posted in multiple places on the internet** so the public can see how the court interprets the law. The final decision regarding your appeal, regardless of whether you “win or lose,” will be posted on the Judiciary's website as well as other websites. In most circumstances, the opinion will include your full name and could possibly include personal information.

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Definitions of Words Used in This Packet

Adversary - An *adversary* is your opponent, the other party to the litigation.

Appellant - An *appellant* is the person who is appealing a judgment, order or decision to the Appellate Division.

Appellate Division - The *Appellate Division* is the intermediate court in New Jersey. It hears appeals from the trial courts, the Tax Court and state agencies.

Appendix - An *appendix* (which is submitted along with a brief) contains copies of the relevant evidence submitted to and considered by the court or agency when it made its decision being appealed.

Brief - A *brief* is a written argument in support of, or in opposition to, an appeal. Briefs should be typed.

Caption - A *caption* is the name of the case; it lists the name of each party. For example, John Jones, Plaintiff v. Mary Smith, Defendant. In an agency appeal, the caption may be John Doe, Petitioner v. New Jersey Department of Corrections, Respondent.

Certification - A *certification* is a sworn, written statement with date and original signature. In a certification, you swear or affirm that the information contained in the papers is true to the best of your knowledge. Court *Rule* 1:4-4 provides the words that may be used in a certification: "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

Final Agency Decision - A *final agency decision* is a decision of a state agency that resolves all issues for all parties.

Final Judgment Order or Decision - The *final judgment, order or decision* is a signed, written decision of a court that resolves all issues for all parties and closes (completes) the case.

Motion - - A *motion* is a formal, written request made to a court. For example, in a motion, you might ask the court to issue an order extending the time to file your papers.

Motion for Leave to Appeal - A *motion for leave to appeal* is a motion filed in the Appellate Division requesting permission to appeal a decision by a trial court or agency before the case is fully decided.

Notice of Appeal - A *notice of appeal* is a formal notice served by the appellant on the court and the parties involved, informing them of the appellant's intention to request review of a trial court's order.

Oral Argument - *Oral argument* is when the parties personally appear in court to briefly summarize their most important arguments and to answer any questions from the court. Oral argument must be requested.

Opinion - An *opinion* is the written decision by the court that details the final results of the appeal.

Party - A *party* is a person, business or governmental agency involved in a court or state agency action.

Record - *Record* refers to copies of the evidence submitted to and considered by the trial court or agency when it made its decision.

Relief - *Relief* is what a party is asking the court to do in a motion or brief.

Definitions of Words Used in This Packet (continued)

Respondent - The *respondent* refers to a party who did not file a Notice of Appeal. The respondent responds to an appeal.

Service - *Service* is mailing or delivering copies of your papers to the lawyer for the other party or to the other party directly if they have no lawyer. See the *Certification of Service* (Form E - page 31).

State Agency - A *stage agency* is a part of the executive branch of New Jersey's state government. State agencies carry out the laws passed by the state legislature. Examples of state agencies include the Department of Labor, the Motor Vehicle Commission, the State Parole Board and the Department of Environmental Protection.

Stay - A *stay* is an order issued by the court temporarily suspending (stopping) an act that was already ordered. For example, if the trial court or agency ordered payment of a judgment, a party may ask the trial court or agency to stay (stop) the requirement to pay while an appeal is pending. If the trial court or agency denies your motion for stay, you may then seek a stay in the Appellate Division by filing a motion there.

Supreme Court - The highest court in the New Jersey state court system.

Tolling motion - A *tolling motion* is a motion that pauses the 45-day clock for filing an appeal. If a party files a tolling motion in the trial court after the trial court issued its final decision, the 45-day clock for filing an appeal is paused. Once the trial court decides the tolling motion, the 45-day clock begins again with only the remaining time left to file an appeal. For example, if you wait 20 days before filing a tolling motion, you will have 25 days after the motion is decided to file your appeal. The party must have filed the tolling motion in the trial court on time (within the court deadline for the motion) for it to pause the 45-day clock. Examples of tolling motions include a motion for a new trial, a motion to make additional findings of fact, and in civil/family cases, a motion asking the court to reconsider its final decision. Court [Rule 2:4-3](#) provides a complete list of the tolling motions.

Transcript - A *transcript* is a typed copy of everything that was said during a recorded hearing or trial.

Before Filing an Appeal

Make sure you have the right to appeal.

Before you try to file an appeal, make sure you have the right to appeal. You will need a **signed** copy of the judgment, order, or state agency decision that you are appealing. You cannot appeal an oral decision.

Review the judgment, order, or state agency decision you wish to appeal with the following questions in mind. If you can answer "yes" to these questions, you can file an appeal. Please keep in mind that there are always exceptions. If you have a question whether or not you can appeal, you can call the Appellate Division Clerk's Office at (609) 815-2950 for guidance with the process. Please note that The Clerk's Office **cannot** give you legal advice.

1. Do you have the *final* judgment, order or decision?

With a few exceptions, you may only file an appeal once the trial court or state agency has issued its "final" judgment, order or decision. The "final" judgment, order or decision ends the case and decides all the issues that were before the court or agency for all the parties involved in the case. (See Court *Rules* 2:2-3; and 4:42-2)

For example:

- (a) In a criminal case, a final judgment is entered after a defendant has been convicted and sentenced by the Law Division, Criminal Part.
- (b) In a civil or family case, a final judgment is entered after a jury verdict or the final determination of a case by the trial court.
- (c) In a mortgage foreclosure case, the final judgment lists the amount due to the plaintiff and orders a sale of the property. An order referring a case to the Office of Foreclosure for further proceedings is not final.
- (d) In a state agency case, the agency generally issues a final decision after reviewing the initial decision of an Administrative Law Judge in the Office of Administrative Law.
- (e) In a Tax Court case, a final judgment is entered by the Tax Court or by the Tax Court Clerk/Tax Court Administrator acting at the Court's direction.

If a motion for reconsideration (asking the judge to reconsider his/her decision) or a motion for counsel fees (asking the judge to order the payment of any fees paid to an attorney) is pending in the trial court or agency, you must wait for a decision on the motion **before** you can appeal.

2. Are you within the deadline to file an appeal?

Your deadline for filing an appeal depends on your case type. If the judgment, order or decision is from:

- A trial court (Superior Court) or the Tax Court:
 - You have 45 days from **the date of entry** of the final judgment or order closing the case to file an appeal. See Court *Rule* 2:4-1(a).
 - However if you are appealing an order terminating your parental rights, you have 21 days from the filed date of the trial court's order to file your appeal.
- A state agency:
 - You have 45 days from **receipt or notice** of the agency decision to file an appeal. See Court *Rule* 2:4-1(b).

When counting the days, **include weekends and holidays**. However, if the last day lands on a weekend or holiday, your due date falls on the next business day that the court is open. **Make sure that the court receives your paperwork on or before the last day for filing.** Do not wait until the last day to mail your paperwork since it will arrive after the deadline, and the appeal will not be filed.

Note: When it comes to the 45-day deadline, certain motions pause the 45-day clock for filing an appeal. Examples of these "tolling motions" include a motion for a new trial, a motion to make additional findings of fact, and in civil/family cases, a motion asking the court to reconsider its final decision. If a party files a "tolling motion" in the trial court after the trial court issued its final decision, the 45-day clock for filing an appeal is paused. Once the trial

court decides the motion, the 45-day clock begins again with only the remaining time left to file an appeal. For example, if you wait 20 days before filing a motion for reconsideration, you will have 25 days after the motion is decided to file your appeal. The party must have filed the “tolling motion” in the trial court on time (within the court deadline for the motion) for it to pause the 45-day clock. See Court *Rule 2:4-3* for more information and a complete list of these “tolling” motions.

If you answered “Yes” to questions 1 and 2, move on to the “Steps for Filing an Appeal” (page 8) for information on the necessary forms, documents and fees to begin your appeal.

If you answered “No” to question 1 and do not have a final judgment, order or decision, you should wait for all the issues for all of the parties to be resolved before submitting your appeal. If you do not, you must request permission to appeal by filing a *Motion for Leave to Appeal* (see Court *Rules 2:2-4* and *2:5-6*). This packet does not address how to file a Motion for Leave to Appeal. For information on a Motion for Leave to Appeal, refer to the section entitled “Motions Generally” in [10834 - Appellate Division Practice Checklist](#) found on njcourts.gov, or call the Clerk's Office at (609) 815-2950. (Note: the timeframe for filing a Motion for Leave to Appeal is **less** than that for a Notice of Appeal). You must file a Motion for Leave to Appeal within 20 days of the date you were served (received) the order. See Court *Rule 2:5-6*.

If you answered “No” to question 2 and are beyond the 45-day deadline for submitting an appeal, you must submit a *Motion to File a Notice of Appeal as Within Time* along with your other paperwork described in **“Steps for Filing an Appeal”** (page 8). You will need to support your motion with a certification that explains why you are filing late. For information on how to file a *Motion to File a Notice of Appeal as Within Time*, see example #1 in the Motion Information section of this packet (page 12).

The numbered steps listed below tell you how to file an appeal. Each form should be typed or printed clearly on 8 ½ "x 11" white paper only. Forms may not be filed on a different size or color paper.

Steps for Filing an Appeal

STEP 1: Fill out the *Notice of Appeal* (Form A - page 14)

Fill out the *Notice of Appeal*, starts an appeal by notifying the parties to a case, the judge or agency that made the decision and, in some case types, additional governmental bodies of your intention to appeal.

STEP 2: Fill out one of the *Case Information Statements* (CIS) (Form B1 - page 18 or B2 - page 22)

Fill out **either** the *Civil* or *Criminal Case Information Statement* (CIS) (depending on your case type).

- Use the *Civil Case Information Statement* (Form B1) for Civil, Family, Tax Court or State Agency appeals.
- Use the *Criminal Case Information Statement* (Form B2) for appeals from a Superior Court Criminal Part judgment or order, or from a finding of juvenile delinquency.

In all case types, you must attach a **signed** copy of all the judgment(s), order(s) or decision(s) listed on your Notice of Appeal.

STEP 3: Fill out the *Transcript Request* (Form C - page 26)

A certified transcript of your hearing or trial is required on an appeal. As the party filing the appeal, you are responsible for finding out if there are transcript(s) and, if so, ordering them. **Failure to order or submit transcript(s) can result in the dismissal of your appeal.**

Follow the instructions below to find out if there are transcripts in your case. If there are no transcript(s) in your case, you do not need to submit a Transcript Request form.

The process of locating transcript(s) differs depending on your case type:

For trial court (Superior Court/Tax Court) cases:

Submit your completed Court Transcript Request Form (Form C) either by email to Appeal-trans.mailbox@njcourts.gov or by regular mail to the:

Appellate Division - Transcript Unit
Hughes Justice Complex
PO Box 968
Trenton, NJ 08625-0968.

For state agency cases:

Contact the state agency or the Office of Administrative Law (OAL). More information and the forms needed to order agency transcripts can be found on the OAL's web site: <https://nj.gov/oal/hearings/transcript/>.

Attach a **copy** of the form(s) you use to order an agency transcript along with the Notice of Appeal to show proof that you have ordered the transcript(s).

Note: if you cannot afford to pay for a transcript and plan to file a motion for transcripts at public expense because you are appealing a criminal conviction or the complete termination of parental rights; termination of natural parent's rights in private adoption proceedings, involuntary civil commitment, or a Title 9 abuse and neglect decision, see example #3 in the Motion Information section starting on page 12.

STEP 4: Attach the Filing Fee.

Make a check or money order payable to **Treasurer, State of New Jersey** for the \$250 filing fee.

Note: if you cannot afford the filing fee, you can request a filing fee waiver. The process varies depending upon your situation:

- If you were granted a filing fee waiver in the trial court for the same matter that you are appealing** (the same indictment, accusation, or criminal or civil/family complaint docket number), you can submit a copy of the order granting your fee waiver, along with a certification stating whether there has been any substantial change in your financial circumstances since the date of entry of the order. See Court *Rule 2:7-4*.
- If you did not ask for a filing fee waiver in the trial court, you must do that first.** To apply for a fee waiver in the trial court, use packet [11208 - How to File for a Fee Waiver - All Courts](#) found on our Self Help Center at njcourts.gov. If your request is denied, you can then file a motion in the Appellate Division. (See example #2 in the Motion Information section - page 12.)
- If you were denied a filing fee waiver or are appealing a state agency decision,** you should file a motion for a fee waiver in the Appellate Division. (See example #2 in the Motion Information section - page 12.)

Submit a copy of either (a) your order granting a fee waiver; (b) your fee waiver application submitted to the trial court or (c) your motion for a fee waiver in place of the filing fee.

STEP 5: Check your completed forms and make copies.

Check that your forms are complete. Remove all instruction sheets, and sign the forms wherever necessary. Make enough copies so that you can serve each party and the judge or agency that made the decision on appeal. Be sure to make at least one copy for yourself. In certain appeals (state agency, adult criminal and juvenile delinquency), you will also need to make a copy for one of the governmental bodies listed in Step 6.

Note: If you want the court to send you copies of the forms stamped “filed,” include one extra copy of each form along with a self-addressed, stamped envelope.

Checklist of items needed to file an appeal:

- _____ Notice of Appeal (Form A)
- _____ Civil CIS (Form B1) **OR**
- _____ Criminal CIS (Form B2)
- _____ **Signed** copies of all the judgment(s), order(s) or decision(s) listed on your Notice of Appeal
- _____ Transcript Request (Form C) if applicable
- _____ Filing fee, in the form of a check or money order. Do not mail cash. You may use cash if you pay in person, but you should keep the receipt you get from the court staff for your records.
- _____ *Optional:* An extra copy of each form along with a stamped envelope addressed to yourself so that the court can send you the copies stamped “filed”.

STEP 6: Mail or deliver the completed forms

You may hand deliver or mail the original of your paperwork (with original signature) to the Appellate Division. Please note that your paperwork must be **received** on or before the deadline for filing an appeal. It is not enough to mail your paperwork on the day it is due. The Appellate Division's mailing address is:

Appellate Division Clerk's Office
Hughes Justice Complex
25 W. Market St., P.O. Box 006
Trenton, New Jersey 08625-0006

You must also serve (mail or hand deliver) a copy of your paperwork on all of the parties in your case, the judge or agency that made the decision you are appealing and, depending on your case type, the additional governmental bodies listed below:

- for agency appeals: serve the Attorney General's Office, Division of Law, 25 W. Market St., P.O. Box 112, Trenton, New Jersey 08625-0112. See Court *Rule* 2:5-1(e).
- for adult criminal appeals: serve the New Jersey Division of Criminal Justice, Appellate Section, 25 W. Market St., P.O. Box 086, Trenton, New Jersey 08625-0086. See Court *Rule* 2:5-1(a).
- for juvenile delinquency appeals: serve the county prosecutor. See Court *Rule* 2:5-1(d).

After the Appeal Has Been Filed

After your appeal has been filed, you will receive a Notice of Docketing from the Clerk's Office that lists the appellate docket number for your appeal (the docket number will begin with the letter "A") and the contact information for your case manager. Your case manager is the person who will process your appeal. Your case manager can answer procedural questions regarding your appeal, but cannot give you legal advice. The next step in the appeal process is to **submit your brief and appendix**.

What is a brief?

A brief is your written argument. It is required in an appeal. The brief is your only chance to tell the Appellate Division judges the facts and circumstances that led to the appeal, what mistake happened in the trial court or agency, how that mistake impacted the decision in the case and what relief you are seeking. A brief **should** be typed.

Preparing a brief requires a time commitment on your part to research the legal authority (statutes, regulations, court rules) and case law that support your position.¹ When preparing your brief, please keep in mind that the Appellate Division does not:

- retry a case
- take new evidence or
- weigh the credibility of witnesses.

The Appellate Division reviews what happened in the trial court, Tax Court or agency to determine if an error occurred; and if so, whether that error entitles you to some form of relief. This is known as the *Standard of Review*.² See Court Rule 2:10-2.

What is an appendix?

Submitted along with your brief, your appendix must contain copies of the relevant evidence considered by the trial court, Tax Court or agency when it made its decision on appeal. This is called the *record*. You **cannot** submit anything to the Appellate Division that was not submitted to and reviewed by the trial court/agency, as that evidence is not part of the record. As the appellant (the party who filed the appeal), you must submit an appendix. The trial court/agency does not submit a copy of its record to the Appellate Division.

NOTE: If there are documents containing confidential personal identifiers (Social Security number, military status, driver's license number, vehicle plate number, insurance policy number and active financial account/credit card numbers) you must redact (black out) those identifiers.. See Court Rule 1:38-7. Sealed or confidential documents, reports or exhibits (such as a Presentence Report or child custody evaluation) should be submitted in a separate confidential appendix.

An appellate brief and appendix should be taken seriously. There are strict format requirements and due dates. Your appeal could be dismissed if you fail to submit your brief and appendix on time or in the correct format.

When do I submit my brief and appendix?

In most cases, shortly after you submit your Notice of Appeal, you will receive a scheduling order with the due dates for briefs. If not, the time to submit briefs depends on whether there is a transcript and whether you are appealing an agency decision.

Specifically, you must serve and file a brief and appendix as follows:

- Within 45 days after the delivery of the transcript, or
- If there is no transcript or if the transcript was delivered prior to the filing of the notice of appeal, within 45 days of the filing of the Notice of Appeal.

¹ Examples of legal authority include statutes, regulations, rules and case law. Case law refers to written decisions of the courts. This includes New Jersey Supreme Court opinions and published opinions of the New Jersey Superior Court and Tax Court. (With few exceptions, unpublished opinions cannot be cited in your case. *R. 1:36-3*.) The [Rutgers Law School website](http://njlaw.rutgers.edu/collections/courts/search.php) has a free, full-text searchable archive of the opinions of the New Jersey state courts. See <http://njlaw.rutgers.edu/collections/courts/search.php>

² For an overview of the Standard of Review that applies to different case types, see the "New Jersey Standards for Appellate Review" paper found on njcourts.gov.

- In state agency appeals, the brief and appendix is due 45 days from receipt of transcript(s) (if any) **AND** a Statement of Items Comprising the Record on Appeal (which is a list of all the evidence the agency considered when issuing its decision) from the agency.

Your adversary, who is called the respondent, then has thirty days to submit a brief that responds to the arguments in your brief. A respondent is not required to submit an appendix and should not duplicate items in your appendix. Respondent should only submit an appendix if his or her brief refers to documents not in your appendix. If respondent does not submit a brief, s/he will be “suppressed,” which means the respondent will not be permitted to participate in the appeal by submitting future briefs or requesting oral argument.

When you have received the respondent's brief, you may submit a reply brief within ten days. Your reply brief should only respond to the arguments raised in the respondent's brief. *Filing a reply brief is optional.*

When submitting a brief and appendix, parties must file an original (with signature) and four copies with the Clerk's Office and serve two copies on each of the other parties. You and your adversary must also submit a *Certification of Service* (Form E) to the Clerk's Office.

For information on the format requirements for an appellate brief and appendix, see CNs [10836 - Appellate Division Checklist for Brief](#) and [10835 - Appellate Division Checklist for Preparing an Appendix](#) both of which can be found on our Self Help Center listed under the [Appellate Division](#), and [Court Rules 2:6-1](#) and [2:6-2](#) on [njcourts.gov](#). There is a Sample Formal Brief on the court's “[Samples and Examples](#)” page, and a [Build-a-Brief Creator](#) that helps you to create a letter brief.

Decision on the Appeal

Once all of the briefs have been received by the Clerk's Office, the Clerk's Office schedules the appeal to be decided. Most appeals are *submitted on the papers*, meaning the judges read the briefs, review the appendices and any transcripts and then issue their decision in a written opinion. However, you may request oral argument before the Appellate Division judges by submitting a written request with the case caption at the top of the page, requesting oral argument to the Clerk's Office with a copy to your adversary. Please note that your request must be received by the Clerk's Office **within 14 days** of your receipt of the respondent's brief. See [Court Rule 2:11-1](#).

If you request oral argument within that timeframe, you and the other parties in the appeal will receive a notice from the Clerk's Office setting forth the date, location and time for your argument. Oral argument is an opportunity for you to briefly summarize your most important arguments for the court and to answer any questions from the court.

- Be prepared, and know the record.
- Be ready to engage in a focused conversation with the court.
- When the court asks a question, answer the question directly, candidly and concisely. The court has already read your brief(s), so do not recite the procedural history and statement of facts.

The court can end oral argument at any time it believes that the issues have been adequately addressed. See [Court Rule 2:11-1\(b\)\(3\)](#).

At some point after the appeal has been submitted on the papers or after oral argument, the court will issue an opinion deciding the appeal. The opinion will be posted on the Judiciary's website for 14 days and then on the [Rutgers Law School](#) website. All Appellate Division opinions are available on the internet, so the public can see how the court interprets the law.

After the Appellate Division's opinion has been issued, your appeal is completed. If you wish to appeal further, you can find information on how to appeal an Appellate Division decision in the Supreme Court of New Jersey. See CN [10538 - A Guide to Filing for Litigants without Lawyers](#) found on our Self Help Center, listed under the Appellate Division/[Appealing an Appellate Court decision](#) heading on [njcourts.gov](#).

Motion Information

Use this section if you need to file a motion along with your appeal papers. **Not all appeals require motions.** However, if you (1) are filing your appeal late; (2) believe that you cannot afford the filing fee; (3) seek transcripts or an attorney at public expense; or (4) wish to stay enforcement of the order you are appealing, you will need to file a motion. Below are instructions for each of these motions. Please read carefully and pay attention to the distinctions between civil and criminal appeals. There is no separate filing fee for these motions.

Example #1 – You are filing your appeal late

If you are beyond the 45-day deadline for filing an appeal, you must submit a “Motion to File a Notice of Appeal as Within Time,” at the same time as your Notice of Appeal.

1. Complete the *Notice of Motion* (Form D - page 29). On item #4 of the form, under *Notice of Motion for*, enter “leave to file appeal as within time” on the line provided.
2. Prepare and sign a certification in support of your motion. A certification is a sworn, written statement. You should explain what you want the court to do, and why you feel the motion should be granted. For example, you may want to explain the reason you are filing your appeal late and why the court should accept your appeal. Remember that in civil/family appeals (except termination of parental rights appeals), the Appellate Division can only extend the time to file an appeal by **30 days**, and it will do so only if you can provide a good reason for the delay, and only if granting the delay will not harm the other party(ies). (See Court Rule 2:4-4).
3. Complete and sign a *Certification of Service* (Form E - page 31).

Example #2 – You seek to waive the filing fee for an appeal

If you were denied a fee waiver in the trial court or are appealing a state agency decision, and want to file for a fee waiver in the appellate court:

1. Complete the *Notice of Motion* (Form D - page 29). On item #4 of the form, under *Notice of Motion for*, enter “Fee Waiver” on the line provided.
2. You must fill out and attach a *Certification/Petition/Application in Support of a Fee Waiver*. That form (and instructions) are on pages 4, 5 and 6 in the packet [11208 - How to File for a Fee Waiver - All Courts](#) found on the Self Help Resource Center at njcourts.gov. If you were denied a fee waiver in the trial court, also attach a copy of the denial order.
3. Complete and sign a *Certification of Service* (Form E - page 31).

Example #3 – You seek transcripts or an attorney at public expense

A fee waiver request (described in Example #2) **does not include transcripts nor an attorney at public expense**. To request transcripts and/or an attorney (“assignment of counsel”) at public expense on appeal, you must file separate motion(s). A motion for the assignment of counsel **must** be filed in the trial court first. (See Court Rule 2:7-2). Keep in mind that **appellants in civil and family cases are generally not entitled to transcripts prepared at public expense or the assignment of counsel**.

To file a motion for “transcripts at public expense” and/or the “assignment of counsel” (if denied at the trial court level) in the Appellate Division, follow the instructions below depending on your case type:

Criminal appeals

1. Complete the *Notice of Motion* (Form D - page 29). On item #4 of the form, under *Notice of Motion for*, enter the relief(s) you are requesting on the line provided (i.e., “transcripts at public expense” and/or “assignment of counsel”).
2. Prepare and sign a certification in support of your motion. A certification is a sworn, written statement. You should explain what you want the court to do, and why the motion should be granted. If you are filing a motion for the assignment of counsel you must attach a copy of the trial court order denying this relief.
3. Complete and sign a *Certification of Service* (Form E - page 31). A motion for transcripts at public expense must be served upon the party/office that may be required to pay for the transcript(s). In non-indictable or quasi-criminal

appeals, this generally means you must serve county counsel for the county where the case is located. In indictable criminal appeals, you must serve the motion on the Office of the Public Defender, Appellate Section, 31 Clinton Street, P.O. Box 46003, Newark, New Jersey 07101.

Civil/Family, Tax Court or State Agency appeals

1. Complete the *Notice of Motion* (Form D - page 29). On item #4 of the form, under *Notice of Motion for*, enter the relief(s) you are requesting on the line provided (i.e., “transcripts at public expense” and/or “assignment of counsel”).
2. Complete and sign a certification in support of your motion. A certification is a sworn, written statement. You should explain what you want the court to do, and why the motion should be granted. Keep in mind that **appellants in civil and family cases are generally *not* entitled to transcripts prepared at public expense or the assignment of counsel.** The limited exceptions to this general rule include appeals from complete termination of parental rights; termination of natural parent's rights in private adoption proceedings; involuntary civil commitment; and Title 9 abuse and neglect cases. However, if your civil or family appeal does not fall within one of these limited exceptions, note the following:
 - You can try to *lessen* your transcript costs by getting a written agreement from all of the parties that only certain dates or sections of the transcript(s) of the proceeding(s) will be needed by the appellate court to review the issues raised on appeal. (See *Court Rule 2:5-3(c)(1)*)
 - Or, if there is no agreement among the parties, you could file a motion in the trial court or state agency asking permission to order only certain dates or sections of the transcript(s) of the proceedings. However, this motion must be made within the 45-day timeframe for filing and serving the Notice of Appeal. (See *Court Rule 2:5-3(c)(2)*).
3. Complete and sign a *Certification of Service* (Form E - page 31). A motion for transcripts at public expense must be served upon the party/office that may be required to pay for the transcript(s). In civil or family appeals, this generally means you must serve the motion on county counsel for the county where the case is located.

Example #4 – You want to stop enforcement of the order you are appealing pending appeal

Filing a Notice of Appeal does **not** stop enforcement of the judgment, order or decision you are appealing. To do so, you **must** first file a motion for stay in the court or state agency that decided your case. If the court or agency denies your motion for stay, you may then seek a stay in the Appellate Division (see *Court Rules 2:9-5* and *2:9-7*). To file a Motion for Stay in the Appellate Division:

1. Complete a *Notice of Motion* (Form D - page 29). On item #4 of the form, under *Notice of Motion for* enter “Stay Pending Appeal” on the line provided.
2. Prepare a brief and appendix in support of your request for a stay. (For information on how to prepare a brief and appendix see “After the Appeal Has Been Filed” on page 10).
 - Your motion brief cannot be longer than 25 pages in length. (See *Court Rule 2:8-1*). It must include legal authority (statutes, regulations, rules or case law) to support the stay request and must explain why you are requesting the stay. For example, explain why it is important that the court stop enforcement of the decision while your appeal is pending.
 - Your appendix must include both the court/agency order denying your motion for stay and the court/agency order you are seeking to stay pending appeal (if separate orders).
 - For more information, see the [Build-a-Brief Creator](#) (CN 11898), found on njcourts.gov.
3. Complete and sign a *Certification of Service* (Form E - page 31).

Instructions for Completing the Notice of Appeal (Form A)

Please print legibly or type the information on the form.

Box# Instruction

1. Enter the complete caption or title of the case **exactly** as it appears on the papers from the trial court or agency (for example, the complaint or indictment). Write all party names in full; do not use “*et al.*”
2. Enter your name, address, email address, and daytime telephone number. NOTE: If you are not an attorney admitted to practice in the State of New Jersey, you may not represent any person other than yourself.
3. Enter the name of the judge whose judgment or order you are appealing. (For state agency appeals, leave this blank.)
4. Enter the name of the trial court or state agency from which this case originates (for example, “Superior Court, Law Division, Essex County,” or “Superior Court, Family Part, Mercer County,” or “Tax Court”). If the appeal is from a final decision of a state agency, enter the name of the agency (for example, “Department of Labor”).
5. In civil cases, enter the trial court docket number. In criminal cases, enter the complaint, accusation or indictment number(s). If a municipal appeal, enter the Law Division docket number. In agency matters, enter the agency assigned number.
6. Enter your name.
7. **If you are appealing a judgment or order from the trial court**, check the appropriate box, and enter the date of the judgment or order on the line. Then, select the appropriate box that describes the court. For example:
 - Check “Civil” if appealing from a Superior Court Law Division (Civil Part or Special Civil Part) or Chancery Division (General Equity or Probate) judgment or order.
 - Check “Criminal” if appealing from a Superior Court Criminal Division judgment or order.
 - Check “Family Part” if appealing a Superior Court Family Division judgment or order.
 - Check “Tax Court” if appealing from the Tax Court.

If you are appealing a state agency decision, select the “State Agency Decision” box and enter the date of the decision on the line.
8. If you are appealing the entire judgment, order or agency decision, leave this space blank. If you are appealing only a part or several parts, specify the parts (for example, paragraph numbers) being appealed.
9. **FINALITY INQUIRY: If all issues as to all parties are disposed of (decided) in the trial court or agency**, including motions for fees or for reconsideration, check “Yes.” Stop, go to the next section.

If all issues as to all parties are not disposed of (decided), check “No.” If you check “No,” you should not be filing a Notice of Appeal, but rather a Motion for Leave to Appeal. The only exception may be if you are able to check “Yes” to the next question, indicating that the order has been properly certified as final pursuant to *Rule 4:42-2*.

Only Complete Section 10 If Appealing a Superior Court Criminal Division Judgment/Order or a Finding of Juvenile Delinquency.

10.
 - a. Give a concise statement of the offense and the judgment including the date entered and any sentence or disposition imposed.
 - b. Check appropriate box if appeal is from a judgment, post-judgment motion or motion for post-conviction relief (PCR). If a PCR, check whether 1st or 2nd. If third or higher, select “other” and indicate number.
 - c. Check appropriate boxes to answer questions.
 - d. If in custody, enter the name and full address of the facility/institution at which you are confined. Please include any inmate identification number assigned to you. Check appropriate box to indicate who represented you below.
11. A Notice of Appeal must be served upon a number of individuals. Enter the names, date of service and other information requested. See Court *Rule* 2:5-1. Service may be made by personal delivery of the papers, by ordinary mail or by certified or registered mail return receipt requested. See Court *Rule* 1:5-2.
12. As the appellant, you must order the transcript(s) of proceedings in the trial court, Tax Court or state agency from which you are appealing **unless you meet one of the exemptions listed in section 13**. To show that you ordered transcripts, complete section 12 by entering the name(s) of the person(s) on whom you served a transcript request form and the date of service.
13. There are four exemptions to the requirement of ordering transcript(s) at the time of filing the Notice of Appeal. Read each carefully and if applicable, check the appropriate box. If none of the exemptions apply to your case, you should leave this section blank. The four exemptions are:
 - **No Verbatim Record**
This exemption applies if there were no proceedings in the trial court or agency; or, if there were proceedings, there was no court reporter or sound recording device present. Before checking this box, confirm with the court/agency that there are no transcript(s).
 - **Transcript in Possession of Attorney or Pro Se Litigant**
This means that you have already ordered an original copy of the transcript and it is in your possession. In that case, the transcript will not have to be reordered as an original; however, you may have to order a copy of the transcript for appeal. List the date(s) of the applicable transcript(s) and submit paper copies of each transcript. If the transcript preparer gave you an electronic copy of the transcript (for example, a CD-ROM) submit it as well. The Clerk's Office will contact you if you need to order a copy for appeal.
 - **Motion for Abbreviation of Transcript Filed with the Court or Agency Below**
Instead of a transcript of the entire proceedings in the trial court or state agency, you may file a motion to the court or agency seeking permission to order only certain dates or sections of the transcript(s) of proceedings. See Court *Rule* 2:5-3(c). A copy of your motion to the court/agency must be attached to your Notice of Appeal, and you are responsible to keep the Appellate Division Clerk's Office informed of the status of the motion and to obtain and forward a copy of the order deciding the motion.
 - **Motion for Transcript at Public Expense Filed with the Court Below**
If you have filed a Motion for Transcript(s) at Public Expense with the trial court or agency below, a copy of that motion must be attached to your Notice of Appeal. As the person who filed the motion with the trial court/agency, it is your responsibility to keep the Appellate Division Clerk's Office informed of the status of that motion and to obtain and forward a copy of the order deciding the motion.
14. Enter the current date on the line marked *Date*.
15. Sign your name on the line marked *Signature of Attorney or Pro Se Litigant*.

Form A

New Jersey Judiciary
Superior Court - Appellate Division
Notice of Appeal

Type or clearly print all information. Attach additional sheets if necessary.

(1) Title in Full (As Captioned Below)

(2) Attorney/Law Firm/Pro Se Litigant

Name

Street Address

City

State

Zip

Telephone Number

Email Address:

On Appeal from

(3) Trial Court Judge

(4) Trial Court or State Agency

(5) Trial Court or Agency Number

Notice is hereby given that **(6)** _____, appeals to the Appellate Division from a **(7)** ☐ Judgment or ☐ Order entered on _____, in the (select one)

☐ Civil, ☐ Criminal, or ☐ Family Part of the Superior Court ☐ Tax Court or from a

☐ State Agency decision entered on _____.

(8) If not appealing the entire judgment, order or agency decision, specify what parts or paragraphs are being appealed.

(9) Have all issues, as to all parties in this action, before the trial court or agency been disposed of? (In consolidated actions, all issues as to all parties in all actions must have been disposed of.) ☐ Yes ☐ No

If not, has the order been properly certified as final pursuant to *R. 4:42-2*? ☐ Yes ☐ No

For criminal, quasi-criminal and juvenile actions only:

(10A) Give a concise statement of the offense and the judgment including date entered and any sentence or disposition imposed:

(10B) This appeal is from a ☐ conviction ☐ post-judgment motion ☐ post-conviction relief.

If post-conviction relief, is it the ☐ 1st ☐ 2nd ☐ other _____ specify

(10C) Is defendant incarcerated? ☐ Yes ☐ No

Was bail granted or the sentence or disposition stayed? ☐ Yes ☐ No

(10D) If in custody, name the place of confinement:

Defendant was represented below by:

☐ Public Defender

☐ self

☐ private counsel

_____ specify

Form A

(11) Notice of appeal and attached case information statement have been served where applicable on the following:

Name

Date of Service

Trial Court Judge

Trial Court Division Manager

Tax Court Administrator

State Agency

Attorney General or Attorney for other
Governmental body pursuant to *R. 2:5-1* (a),
(d) or (g)

Other parties in this action:

Name and Designation

Attorney Name, Address and Telephone No.

Date of Service

(12) Attached transcript request form has been served where applicable on the following:

Date of Service

- ☐ Appellate Division Transcript Office
- ☐ Clerk of the Tax Court
- ☐ State Agency (name)

(13) Exempt from submitting the transcript request form due to the following:

- ☐ No verbatim record.
- ☐ Transcript in possession of attorney or pro se litigant (four copies of the transcript must be submitted along with an electronic copy).

List the date(s) of the trial or hearing:

- ☐ Motion for abbreviation of transcript filed with the court or agency below. Attach copy.
- ☐ Motion for transcript at public expense filed with the court below. Attach copy.

I certify that the foregoing statements are true to the best of my knowledge, information and belief. I also certify that, unless exempt, the filing fee required by *N.J.S.A. 22A:2-5* and Rule 1:43 has been paid.

(14) _____
Date

(15) _____
Signature of Attorney or Pro Se Litigant

Instructions for Completing the Civil Case Information Statement (Form B1)

Use the Civil Case Information Statement for Civil, Family, Tax Court or State Agency appeals.
DO NOT use this form for Criminal appeals.

Please print legibly or type the information on the form. Enter the caption or title of the case as it appears on the papers from the Trial Court or State Agency from which you are appealing.

Box# Instruction

1. Enter the complete caption or title of the case **exactly** as it appears on the papers from the trial court or agency (for example, the complaint or indictment).). It should include the names of all the parties. Write all party names in full; do not use “*et al.*”
2. Enter the number assigned to the case by the trial court or agency from which you are appealing.
3. Appellant's Attorney: Enter your email address. Check the appropriate box indicating if you were the “Plaintiff,” “Defendant,” or “Other” in the trial court or agency below. If you check “other” please list your trial court or agency designation (for example “Petitioner” or “Intervenor”). Because you are self-represented, enter your own name as the “client” as well as your address and daytime telephone number. **NOTE:** If you are not an attorney at law admitted to practice in the State of New Jersey, the only “CLIENT” whom you can represent is yourself.
4. Respondent's Attorney: Enter the names, addresses (including email addresses), and telephone numbers of the attorneys who represented the other parties in the trial court or agency. Identify the party the attorney represented under “client.” If the party was self represented, list his or her contact information and write self-represented under “client.”
5. Briefly summarize the terms of the judgment, order or decision that is the subject of this appeal, including its date, and **attach a copy of the judgment, order or decision.**
6. FINALITY INQUIRY: Answer whether there are any claims against any party below which have not been disposed of (decided and closed). If the answer is “No,” and all claims have been disposed, you may properly proceed with the filing of a Notice of Appeal. Proceed to section 7.

If you check “Yes,” you **SHOULD NOT** be filing a Notice of Appeal, but should instead be filing a Motion for Leave to Appeal. The only exception may be if you are able to check “Yes” to the next question, stating the order has been properly certified as final pursuant to *Rule 4:42-2*.

Answer whether any claims were dismissed without prejudice. If the answer is “Yes,” **you must explain** any agreement concerning future disposition of those claims in the trial court or agency.

7. Check the appropriate box if your appeal challenges the validity of a statute (state law), executive order, franchise or provision of the New Jersey Constitution. That means you are arguing a statute, executive order, franchise or provision of the New Jersey Constitution is illegal. If you check “Yes,” you must serve your Notice of Appeal and Case Information Statement on the Attorney General of New Jersey.
8. Briefly summarize what happened in the trial court, Tax Court or state agency before you filed your appeal.
9. List the issues that you plan to raise in your appeal. For example, list the legal arguments you plan to raise in your appellate brief.

10. If applicable to your case, check the appropriate box to answer whether the trial judge issued oral or written findings or an opinion and, if “Yes,” set forth on what date. If you select “No” for either of these questions, contact the trial judge and ask whether s/he will be filing a statement or opinion and check the appropriate box. List the date you contacted the judge on the line.
11. Answer whether you or anyone you know of has an appeal that is pending or about to be brought before the Appellate Division that involves substantially the same case or controversy as your appeal (for example, the same parties). If you cannot answer “Yes” or “No,” you may write “Unknown.”
12. Answer whether you know of any other appeal that is pending or about to be brought before the Appellate Division that involves an issue similar to or related to an issue in your appeal. If you cannot answer “Yes” or “No,” you may write “Unknown.”
13. Answer whether there was a prior appeal in the Appellate Division involving the case you are currently appealing.
14. List the case name and Appellate Division docket number for any appeal indicated in 11, 12 or 13 above.
15. Check the appropriate box as to whether you think the case may benefit from a Civil Appeals Settlement Program conference (mediation) and explain your answer.
16. Read and note the statement regarding the posting of all opinions on the Internet.
17. Read and note the statement that you are certifying to regarding the redacting (blackening out) of all confidential personal identifiers in court documents. Confidential personal identifiers include Social Security, driver's license, vehicle plate, insurance policy and active financial account/credit card numbers. *Rule 1:38-7* can be found on the Judiciary's Internet site njcourts.gov.
18. Print your name on the line marked *Name of Appellant or Respondent*.
19. Print your name on the line marked *Name of Counsel of Record* since you are representing yourself.
20. Enter the date on the line marked *Date*.
21. Sign your name on the line marked *Signature of Counsel of Record*.

Form B1

New Jersey Judiciary
Superior Court - Appellate Division
Civil Case Information Statement

Please type or clearly print all information.

Title in Full **(1)**

Trial Court or Agency Docket Number **(2)**

• Attach additional sheets as necessary for any information below.

(3) Appellant's Attorney Email Address: _____

☐ Plaintiff ☐ Defendant ☐ Other (Specify) _____

Name _____

Client _____

Street Address _____

City _____

State _____

Zip _____

Telephone Number _____

(4) Respondent's Attorney* Email Address: _____

Name _____

Client _____

Street Address _____

City _____

State _____

Zip _____

Telephone Number _____

* Indicate which parties, if any, did not participate below or were no longer parties to the action at the time of entry of the judgment or decision being appealed.

(5) Give Date and Summary of Judgment, Order, or Decision Being Appealed and Attach a Copy:

(6) Are there any claims against any party below, either in this or a consolidated action, which have not been disposed of, including counterclaims, cross-claims, third-party claims and applications for counsel fees? ☐ Yes ☐ No

If so, has the order been properly certified as final pursuant to *R. 4:42-2*? (If not, leave to appeal must be sought. *R. 2:2-4, 2:5-6*) ☐ Yes ☐ No

(If the order has been certified, attach, together with a copy of the order, a copy of the complaint or any other relevant pleadings and a brief explanation as to why the order qualified for certification pursuant to *R. 4:42-2*.)

Were any claims dismissed without prejudice? ☐ Yes ☐ No

If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

(7) Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (*R. 2:5-1(g)*) ☐ Yes ☐ No

(8) Give a Brief Statement of the Facts and Procedural History:

Form B1

(9) To the extent possible, list the proposed issues to be raised on the appeal as they will be described in appropriate point headings pursuant to *R. 2:6-2(a)(6)*. (Appellant or cross-appellant only.):

(10) If you are appealing from a judgment entered by a trial judge sitting without a jury or from an order of the trial court, complete the following:

1. Did the trial judge issue oral findings or an opinion? If so, on what date? _____ ☐ Yes ☐ No
2. Did the trial judge issue written findings or an opinion? If so, on what date? _____ ☐ Yes ☐ No
3. Will the trial judge be filing a statement or an opinion pursuant to *R. 2:5-1(b)*? ☐ Yes ☐ No

Caution: Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to *R. 2:5-1(b)*.

Date of Your Inquiry: _____

1. Is there any appeal now pending or about to be brought before this court which:

(11) (A) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☐ No

(12) (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? ☐ Yes ☐ No

(13) 2. Was there any prior appeal involving this case or controversy? ☐ Yes ☐ No

(14) If the answer to either 1 or 2 above is Yes, state:

Case Name: _____

Appellate Division Docket Number: _____

Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

(15) State whether you think this case may benefit from a CASP conference. ☐ Yes ☐ No

Explain your answer: _____

(16) Whether or not an opinion is approved for publication in the official Court Reporter books, the Judiciary posts all Appellate Division opinions on the Internet.

(17) I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

(18) _____ (19) _____
Name of Appellant or Respondent Name of Counsel of Record
(or your name if not represented by counsel)

(20) _____ (21) _____
Date Signature of Counsel of Record
(or your signature if not represented by counsel)

Instructions for Completing the Criminal Case Information Statement (Form B2)

Use the Criminal Case Information Statement for appeals from a Superior Court Criminal Division judgment or order; or for a finding of juvenile delinquency. **DO NOT use this form for civil or agency appeals (for example, appeals from the Department of Corrections).**

Please print legibly or type the information on the form.

Box# Instruction

1. Enter the complete caption of the case exactly as it appears on the papers from the trial court (for example, the complaint, accusation or indictment). Include middle initials in names to match the complaint, accusation or indictment. Write all party names in full; do not use "*et al.*"
2. Enter the number assigned to the case by the trial court from which you are appealing. For example, the complaint, accusation or indictment number.
3. Appellant's Attorney: Enter your email address. Check the appropriate box indicating you were the "Defendant" in the trial court. If you check "other" please note your trial court designation. Because you are self-represented, enter your own name as the "client" as well as your address and daytime telephone number. **NOTE:** If you are not an attorney at law admitted to practice in the State of New Jersey, the only "CLIENT" whom you can represent is yourself.
4. Respondent's Attorney: Enter the name, address (including any email address), and telephone number of the county prosecutor's office (or deputy attorney general) that represented the State of New Jersey in the trial court, and, in adult criminal appeals, the name, address and telephone number of the Office of the Attorney General, Division of Criminal Justice, Appellate Section. See *Rule 2:5-1*. The "CLIENT" is the State of New Jersey.
5. Briefly summarize the terms of the judgment or order being appealed, including its date, and **attach a copy of the judgment or order**.
6. Answer whether there are any issues below involving you that have not been disposed of (for example, a motion for a new trial). If the answer is "No," then you may properly proceed with the filing of a Notice of Appeal.

If the answer is "Yes," you **SHOULD NOT** be filing a Notice of Appeal but should instead be filing a Motion for Leave to Appeal.
7. Check the appropriate box if your appeal challenges the validity of a statute (state law), executive order, franchise or provision of the New Jersey Constitution. That means you are arguing a statute, executive order, franchise or provision of the New Jersey Constitution is illegal or invalid. If you check "Yes," you must serve your Notice of Appeal and Case Information Statement on the Attorney General of New Jersey.
8. Answer whether you are presently confined or on bail. Set forth any SBI number and your date of birth.
9. Answer whether the issue(s) involve only whether the trial court imposed a proper sentence.

10. If there are co-defendants in your case, set forth their names* and check the appropriate box for whether or not they were tried with you or shared any pretrial motion.

* (If the co-defendants are juveniles who were not waived up to the Law Division, use only their initials.)
11. Briefly summarize the facts and the procedural history of the case. For example, what happened in the trial court before you filed your appeal.
12. List the issues that you plan to raise in your appeal. For example, list the legal arguments you plan to raise in your appellate brief.
13. If applicable to your case, check the appropriate box to answer whether the trial judge issued oral or written findings or an opinion and, if “Yes,” set forth on what date. If you select “No” for either of these questions, contact the trial judge and ask whether s/he will be filing a statement or opinion, and check the appropriate box. List the date you contacted the judge.
14. Check applicable box. For example, do any co-defendants (or other parties to your case) have an appeal that is pending or about to be brought before the Appellate Division? If you cannot answer “Yes” or “No,” you may write “Unknown.”
15. Check the applicable box to answer whether you know of any other appeal that is pending or about to be brought before the Appellate Division that involves an issue similar to or related to an issue in your appeal. If you cannot answer “Yes” or “No,” you may write “Unknown.”
16. Check the applicable box to answer whether there was a prior appeal in the Appellate Division, which appeal is now closed, involving this same case.
17. List the case name, type and Appellate Division docket number for any appeal indicated in 14, 15 or 16 above.
18. Read and note the statement regarding the posting of all opinions on the Internet.
19. Read and note the statement that you are certifying to regarding the redacting (blackening out) of all confidential personal identifiers in court documents. Confidential personal identifiers include Social Security, driver's license, vehicle plate, insurance policy and active financial account/credit card numbers. *Rule 1:38-7* can be found on the Judiciary's Internet site njcourts.gov.
20. Print your name on the line marked *Name of Appellant or Respondent*.
21. Print your name on the line marked *Name of Counsel of Record* since you are representing yourself.
22. Enter the date on the line marked *Date*.
23. Sign your name on the line marked *Signature of Counsel of Record*.

Form B2

New Jersey Judiciary
Superior Court - Appellate Division
Criminal Case Information Statement
(For use in Criminal, Quasi-Criminal and Juvenile Actions)

Please type or clearly print all information.

Title in Full (1)

Trial Court Docket Number (2)

(3) Appellant's Attorney

Email Address: _____

☐ Plaintiff ☐ Defendant ☐ Other (Specify) _____

Name _____

Client _____

Mailing Address _____

City _____

State _____

Zip _____

Telephone Number _____

(4) Respondent's Attorney

Email Address: _____

Name _____

Client _____

Mailing Address _____

City _____

State _____

Zip _____

Telephone Number _____

(5) Give Date and Summary of Judgment or Order Being Appealed and Attach a Copy:

(6) Are there any issues below in this action involving defendant which have not been disposed of? ☐ Yes ☐ No
(If so, leave to appeal must be sought. *R. 2:2-4, 2:5-6*)

(7) Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (*R. 2:5-1(g)*) ☐ Yes ☐ No

(8) Is defendant presently confined? ☐ Yes ☐ No

If not, is defendant on bail? ☐ Yes ☐ No

Provide any State Bureau of Identification (SBI) number and date of birth: _____ / _____

(9) Will the issue(s) in this appeal involve only whether the trial court imposed a proper sentence? ☐ Yes ☐ No
If so, briefs shall not be filed without leave of court. (*R. 2:9-11*)

Are there co-defendants?

(10) If so, state their names and whether they were tried with the defendant or shared any pretrial motion. ☐ Yes ☐ No

(11) Give a Brief Statement of the Facts and Procedural History:

Form B2

(12) To the extent possible, list the proposed issues to be raised on the appeal as they will be described in appropriate point headings pursuant to *R. 2:6-2(a)(6)*. (Appellant or cross-appellant only.):

(13) If you are appealing from a judgment entered by a trial judge sitting without a jury or from an order of the trial court, complete the following:

1. Did the trial judge issue oral findings or an opinion? If so, on what date? _____ ☐ Yes ☐ No
2. Did the trial judge issue written findings or an opinion? If so, on what date? _____ ☐ Yes ☐ No
(Attach a copy.)
3. Will the trial judge be filing a statement or an opinion pursuant to *R. 2:5-1(b)*? ☐ Yes ☐ No

Caution: Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to *R. 2:5-1(b)*.

Date of Your Inquiry: _____

1. Is there any case now pending or about to be brought before this court which:

(14) (A) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☐ No

(15) (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? ☐ Yes ☐ No

(16) 2. Was there any prior appeal involving this case or controversy? ☐ Yes ☐ No

(17) If the answer to either 1 or 2 above is Yes, state:

Case Name and Type (direct, 1st PCR, other, etc.):

Appellate Division Docket Number:

(18) Whether or not an opinion is approved for publication in the official Court Reporter books, the Judiciary posts all Appellate Division opinions on the Internet.

(19) I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*.

(20) _____ **(21)** _____
Name of Appellant or Respondent Name of Counsel of Record
(or your name if not represented by counsel)

(22) _____ **(23)** _____
Date Signature of Counsel of Record
(or your signature if not represented by counsel)

Appellate Transcript Ordering Information

Transcripts are the written record of exactly what was said during court. Judges review transcripts to know what has occurred previously and to assist in making a decision on the case.

There are two types of transcripts: appeal and non-appeal. The simple difference is appeal transcripts are usually mandatory and are ordered during the appeal process. You cannot order appeal transcripts if you do not have an appeal pending with the Appellate Court. Non-appeal transcripts are used for reasons other than an appeal or to review your matter prior to appealing. Non-Appeal transcripts can be used in your appeal later as long as they are the complete record for that date (not an excerpt) and were completed by a certified transcriber.

For Appeal cases, the party who is filing the appeal (or cross-appeal) is responsible for finding out the transcript dates needed for their case and ordering them. Failure to order or submit transcript(s) can result in the dismissal of your appeal. If you previously ordered complete and certified transcript dates for other uses, they can be uploaded into your case without repurchasing. Transcripts are the only record that is admissible in court.

NOTE: These procedures explain how to order transcript(s) for an appeal of a Superior Court (trial court) and Tax Court decision. Transcripts originating from a State Agency or a municipal court must be ordered through those entities individually by you and not through the Appellate or Local County Transcript office.

Ordering Process for Self-Represented Litigants

Self-represented litigants who are not represented by an attorney must order their transcripts using the Court Transcript Request Form attached. If the Superior Court transcript is for non-appeal purposes or you wish to review your case prior to appealing, you would send the Court Transcript Request Form to the local county transcript office where the case originated. If the Tax Court transcript is for non-appeal purposes, you would send the Court Transcript Request Form to the Appellate Division Transcript Unit. If the Superior Court or Tax Court transcript is for appeal, you would send the Court Transcript Request Form to Appellate Division Transcript Unit.

Ordering Process for Attorneys:

Attorneys **must** order their Superior Court and Tax Court appeal transcript(s) through eCourts Appellate, no paper transcript request forms will be accepted from attorneys. Please read the [Notice to the Bar \(Appellate Division\)](#) and [Notice to the Bar \(Tax Court\)](#) for more information. Any attorney without a current appeal (for example, attorneys who are not ordering a transcript at the same time as filing an

appeal) must order their Superior Court transcript(s) as non-appeal through the local county transcript office where the case originated. If ordering a Tax Court transcript as non-appeal you would email it over to Appellate Division Transcript Unit.

Attorneys can e-file using the link below and entering their Bar ID and password for access.

[Attorney Login](#)

For Appellate e-Filing Help contact:
609-815-2950 x 52590 or email at
NJeDATAnotices@mailbox@njcourts.gov

Appellate Contact Info for Appeal Requests

Email: appeal-trans@mailbox@njcourts.gov
Phone: 609-376-3040 Fax: 609-815-2949

Mail to:

Appellate Division
Transcript Unit
Hughes Justice Complex
PO Box 968
Trenton, NJ 08625-0968

Contact Info for Non-Appeal Requests

When using the electronic version of the Court Transcript Request Form, select the county where the case originated or tax court. When selected it will populate that county's or tax court's information: Address, Email and Phone Number. (Please note: If you are filing out the Court Transcript Request Form digitally please be sure to use Adobe Reader to properly access the features of the form.)

[County Transcript Processing Offices](#)

What happens after you order a transcript:

1. Standard orders are processed in the order they are received. Daily and Expedited orders are given priority.
2. The appropriate Transcript Office will contact a transcription agency or court reporter to transcribe the requested court proceeding.
3. The agency or court reporter will contact you to request a deposit before starting your request.
4. The agency or court reporter must receive your deposit before starting on your request. The start time for completion of your order begins once you make your deposit.
5. Once your transcripts are completed, for Appeals they will be sent to the Appellate Division Transcript Unit. Attorneys can retrieve a copy through eCourts Appellate. Self-represented litigants will be mailed a copy on CD. For Non-Appeal transcripts, the transcription agency or court reporter will directly send you the completed transcripts.



Form C
New Jersey Judiciary
Superior Court-Appellate Division
Court Transcript Request (R. 2:5-3)

Transcript order is for: ☐ **Non-Appeal** → File with:

Or

☐ **Appeal***

→ File with: Appellate Division Clerk's Office, Transcript Unit
Hughes Justice Complex, P.O. Box 968
Trenton, NJ 08625-0968
Appeal-Trans.Mailbox@NJCourts.Gov (609) 376-3040

Type of Service: *See attached cost estimates and transcript ordering instructions.

☐ Standard (30 Days)

☐ Expedited (7 Days)

☐ Daily (Next Business Day)

Plaintiff(s)

Trial Court Docket/Indictment #

v.

Defendant(s)

County/Court

Requesting Party ☐ **Attorney (For non-appeals only)** ☐ **Self-Represented Litigant**

Name

Email Address

Phone Number

Address

Name of Law firm (if applicable)

City

State

Zip

Date(s) of Proceeding

Type(s) of Proceeding (e.g. trial, sentencing, motion, etc.)

Name of Judge(s)

***NOTE: Attorneys may only use this paper form for non-appeal transcript requests.** To order transcripts for appeal (for example, transcripts not already in attorney possession), attorneys must complete a system-generated transcript request form through the eCourts Appellate system. See Notice to the Bar, [Mandatory Appellate Division Electronic Filing for All Case Types](#) (September 26, 2017).

Signature of Requesting Party

Date

You may request a particular transcript agency if the transcript was not previously ordered and prepared. Submit your deposit for transcript(s) directly to the transcription agency or court reporter who will be preparing your transcript(s).

Estimated Costs for Transcripts

THIS CHART IS FOR ESTIMATION PURPOSES ONLY

Only the transcript agency can provide you with the actual cost of your transcript

NOTE: An order granting relief to proceed as an indigent does not entitle you to transcripts at public expense. Transcripts at public expense are typically granted only in criminal cases where the defendant qualifies for that relief. For additional questions, please contact your case manager.

DO NOT EXPECT TO RECEIVE TRANSCRIPTS AT PUBLIC EXPENSE FOR A CIVIL OR FAMILY APPEAL

	<u>STANDARD</u> (30 Calendar Days)	<u>EXPEDITED</u> (7 Calendar Days)	<u>DAILY</u> (Next Business Day)
Original Only	\$4.29/page	\$6.44/page	\$8.58/page
<u>30 Minutes</u>	\$125	\$200	\$300
<u>Up to 1 Hour</u>	\$250	\$375	\$500
<u>Up to 2 Hours</u>	\$500	\$750	\$1000
<u>Up to ½ Day (3 hours)</u>	\$775	\$1150	\$1500
<u>Full Day (6 hours)</u>	\$1550	\$2300	\$3100

Please Note:

Additional copies are no longer required per rule relaxation of R. 2:5-3 dated October 10, 2018. However, if a litigant chooses to do so, additional copies may be ordered at the following rates:

Type of Service	Transcript to Be Provided Within	Fee for Additional Copy of Transcript
Standard	30 calendar days	\$0.72 per page
Expedited	7 to 10 calendar days	\$1.08 per page
Daily	next calendar day	\$1.44 per page

- The above calculations are based on the current page rates (as set by NJ Statute 2B:7-4) which are effective through July 1, 2020.
- An agency will not begin work on your transcript until they receive the estimated cost from the ordering party.
- The cost for a transcript is based upon the estimated number of pages that will comprise the final transcript. A refund or balance due will be settled upon completion of a transcript (R. 2:5-3(d)).

Instructions for Completing the Notice of Motion (Form D)

Please print legibly or type the information on the form.

Box# Instruction

1. Enter your name, address and daytime telephone number.
2. Enter the Appellate Division Docket Number of the appeal. If you do not yet have an Appellate Division Docket Number, leave the line blank, and in the space below enter the number assigned the case by the trial court or agency from which you are appealing.
3. Enter the complete caption or title of the case exactly as it appears on the papers from the trial court or agency (for example, the complaint). Do not use “*et al.*”
4. Enter the specific relief (or reliefs) that you are seeking from the Appellate Division, in just a few words. For example, “Fee Waiver” or “Stay Pending Appeal.”
5. Enter your adversary's name, and if represented by an attorney, his or her attorney's name. List your adversary's address, unless represented, then list the attorney's address.
6. Select whether you are supporting your motion with a brief and appendix or a certification.
7. Copies: Note that you must file the original and 4 copies of your motion with the Appellate Division Clerk's Office, 25 Market St., P.O. Box 006, Trenton, NJ 08625-0006. At the same time you must serve 2 copies of your motion on all the parties to your case* and attach a Certification of Service (CN 12227). Remember to keep a copy for your records.

 *NOTE: Some motions must also be served on the trial judge or agency from which you are appealing; these include a Motion for Leave to Appeal, a Motion to Extend Time to file Notice of Appeal and any motion that is filed with your appeal.
8. Enter the date on the line marked *Date*.
9. Sign your name on the line marked *Signature*.
10. Type or print your name on the line marked *Print Name*.

Form D

(1)

(Your Name)

(Address)

(Telephone Number and e-mail address)

(2) Superior Court of New Jersey
Appellate Division Docket Number

A- _____

OR

Number assigned by trial/tax court or
agency (if no Appellate Docket Number):

(3)

v.

Notice of Motion for

(4)

(5) To:

(Name of adversary and attorney, if represented)

(Address – use attorney's address if represented)

(6) PLEASE TAKE NOTICE that the undersigned hereby moves before the Superior Court of New Jersey, Appellate Division, for an Order granting the above-listed relief(s). In support of this motion, I shall rely on the attached:

- ☐ brief and appendix
☐ certification (procedural motions only)

(7) I am filing the original and 4 copies of my motion with the Clerk of the Appellate Division, and serving 2 copies of my motion on all of the parties to the above-captioned matter. Attached is a copy of my Certification of Service. RESPONDING PARTIES: Per *Rule* 2:8-1, answers to this motion should be filed with the Clerk of the Appellate Division within 10 days of your receipt of this motion unless otherwise directed by the Clerk.

(8)

(Date)

(9)

(Your Signature)

(10)

(Print your name)

Instructions for Completing the Certification of Service (Form E)

Please print legibly or type the information on the form.

Box# Instruction

1. Enter your name, address, daytime telephone number and email address.
2. Enter the complete caption or title of the case **exactly** as it appears on the papers from the trial court or agency. Write all party names in full; do not use “*et al*”.
3. Enter the Appellate Division docket number of the appeal. If you do not have an Appellate Division docket number, leave the line blank, and in the space below, enter the number assigned the case by the trial court or agency from which you are appealing. You may not have an Appellate Division docket number if you are filing the motion simultaneously with your Notice of Appeal, or if you are filing a Motion for Leave to Appeal.
4. List all the documents you are serving on the other parties to the appeal (for example, notice of motion, certification, brief, etc.).
5. Select the method(s) of service. If you select "other," you must explain what method of service you are using (for example, email, fax), and whether there is consent to that method of service. **There must be consent of the receiving party to use a method of service other than mail or hand delivery.** By signing the certification of service form, you are certifying to the Appellate Division that there **is consent** for the alternate method of service.

If you are serving by e-mail or fax, you must provide the e-mail address or fax number of the receiving party. If you are serving by registered or certified mail, you are not required to file the return receipt card unless otherwise ordered by the court.
6. List each party you are serving along with the address to which you are serving the document(s) on. If the party is represented by an attorney, you serve the attorney with the document(s). If you are serving by e-mail or fax, you must provide the e-mail address or fax number of the receiving party.
7. Please read this *Rule 1:4-4(b)* certification language carefully. By signing the *Certification of Service* form, you are agreeing to that language.
8. Enter the date on the line marked *Date*.
9. Sign your name on the line marked *Signature*.
10. Type or print your name on the line marked *Print Name*.

Form E

(1) _____
Name (first, middle, last)

Address

City, State, Zip Code

Telephone Number and E-mail Address

Certification of Service

(2) _____

v.

(3) Superior Court of New Jersey
Appellate Division
Docket Number: A _____

OR

Number assigned by trial/tax court or agency
(if no Appellate Division Docket Number):

(4) I certify that on _____, I served two copies of the following document(s):

(5) By: (select all that apply):

- ☐ hand delivery
☐ regular mail to last known address
☐ registered or certified mail, return receipt, to last known address
☐ other* _____

***Note:** There must be consent of receiving party to use a method of service other than mail or hand delivery. **BY SIGNING THIS FORM, YOU ARE CERTIFYING THAT THERE IS CONSENT.**
If serving by e-mail or fax, provide the receiving party's e-mail address or fax number below:

(6) on the following parties, or their attorney if represented, in the above-captioned matter

(Name of party and party's attorney, if represented)

(Name of party and party's attorney, if represented)

(Address – use attorney's address if represented)

(Address – use attorney's address if represented)

(City, State & Zip Code)

(City, State & Zip Code)

(7) **I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. (See Rule 1:4-4(b))**

(8) _____
Date

(9) _____
Signature

(10) _____
Print Name